

ORDINANCE 2014- 14

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, BY ADDING CHAPTER 304; ENTITLED: LICENSING OF NEWSPAPER DISTRIBUTION BOXES (NEWSPAPER DISPENSING MACHINES)

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach that ADDING Chapter 304: Licensing of Newspaper Distribution Boxes (Newspaper Dispensing Machines) of the Revised General Ordinances of the Borough of Bradley Beach shall be amended to read the following:

304 Licensing of Newspaper Distribution Boxes (Newspaper Dispensing Machines).

304-1 Purpose and intent

The regulation of newspaper distribution boxes, as provided in this chapter, is intended to advance the public purposes of furthering vehicular and pedestrian traffic safety, preventing obstructions to vehicular and pedestrian traffic, facilitating the maintenance of public sidewalks and public areas, insuring the safety of the public, and preventing unsightly and aesthetically undesirable uses of public sidewalks, public areas and other areas open to the public view, while providing reasonable access to newspaper distribution boxes (dispensing machines).

304-2 Definitions

BOARDWALK – A public right-of-way located along the beach or ocean front constructed of wood boards, concrete or pavers supported by wood piles used for the purpose of pedestrian traffic to promenade along the beach front and as access to the beach, public rest areas, recreational facilities, commercial establishments and such other buildings as may be constructed or placed along or on such boardwalk. The definition shall include access ramps and stairs.

DISTRIBUTOR BOX (MACHINE) OR NEWS RACK – Any person, firm or corporation or other entity responsible for placing and maintaining a newspaper distribution installed, used or maintained for display and sale of newspapers, advertising or other periodicals. The terms news rack, newspaper distribution box or newspaper distribution machine shall be considered interchangeable.

OCEAN AVENUE WALKWAY – The walkway located along the westerly side of the boardwalk located between the bulkhead, access ramps and the easterly edge of Ocean Avenue.

304-3 Permit required.

It shall be unlawful for any person, firm, corporation or other entity to erect, place, maintain or operate, on any public street or sidewalk, or in any other public way or place in the Borough of Bradley Beach, any newspaper distribution box (machine) without first having obtained a permit from the Code Office.

304-4 Vending machine other than newspaper vending machines.

No vending machines, including ice machines, shall be placed, installed, used or maintained out of doors on any right-of-way, public area or public walkway.

304-5 Application for permit

Application for a permit, shall be made, in writing, to the Code Office upon such form as shall be provided, and shall obtain the name and address of the applicant, the proposed location of the said news box, such other information as may be required at the discretion of the Code Office, and shall be signed by the applicant or its designated representative.

304-6 Conditions for permit

- A.** As an express condition of the acceptance of such permit, the permit holder thereby agrees to indemnify and save and hold harmless the Borough of Bradley Beach, its council, officers, directors and employees against any loss or liability or damage, including expenses, counsel fees, costs for bodily or personal injury, and for property damage sustained by any person, or corporation, as the result of the installation, use or maintenance of a news rack within the borough. The fact or assertion that the permit holder was in complete compliance with this chapter shall not invalidate this express.
- B.** Permits shall be issued for the installation of a news rack without prior inspection of the site; however, the issuance of a permit, or permits, is expressly conditioned upon compliance with all provisions of this chapter and in compliance with all other ordinances, statutes, rules and regulations lawfully promulgated. Permits shall be issued within ten (10) business days of submission of an application in compliance with all requirements. The permit fee for the year 2014 shall be twenty-five (\$25) for the first machine and twenty dollars (\$20) for each additional machine included in the application plus an Annual Tourism Fee of seventy-five (\$75.00). Subsequent yearly permit fees maybe set by yearly resolution of the Mayor and Council and are on file in the Borough Clerk's office.
- C.** Permits shall be valid for the calendar year in which the permit is issued and shall be renewable pursuant to submission of a new application and compliance with this chapter and payment of the required fees.

304-7 Standards for maintenance and installation

All news racks must comply with the following standards:

- A.** No news racks shall exceed fifty (50) inches in height, thirty-two (32) inches in width, or twenty-four (24) inches in depth.
- B.** No news racks shall be used for advertising signs or publicity purposes other than dealing with the display, sale or purchase of the newspapers or news periodical sold therein.
- C.** Each news rack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event he or she is unable to receive the publication paid for. The coin-return mechanisms shall be maintained in good working order.
- D.** Each news rack shall have affixed to it in a readily visible place so as to be seen by anyone using the news rack a notice setting forth the name and address of the distributor and the telephone of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the machine.
- E.** Each news rack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limitation, each news rack shall be serviced and maintain so that:
 - (1) It is reasonably free of dirt and grease
 - (2) It is reasonable free of rust and corrosion in the metal areas thereon
 - (3) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereon
 - (4) The clear plastic or glass parts thereof, if any, through which the publication therein is viewed, must be unbroken and reasonably free of cracks, dents, blemishes and discoloration
 - (5) The paper or cardboard parts or insets thereof are reasonably free of tears, peeling or fading
 - (6) The structural parts thereof are not broken or unduly misshaped
 - (7) The news rack must be in good operating condition
 - (8) The news racks may be secured to one another, but may not be secured to any pole, fence, railing or other structure not belonging to the permit holder
- F.** In the event any news rack is not in compliance with any of the standards or requirements herein and remains in such noncompliance for a period of thirty (30) days, then the borough may seize the machine and dispose of it in any manner deemed appropriate in the discretion of appropriate borough officials. Said disposal may be made without notice to the owner of the machine and without liability to the official taking said action.

304-8 Location and placement of news racks

- A.** News racks may only be located along Ocean Avenue and along Main Street and along no other streets, road, avenues, alleyways, lanes or other passageways in the Borough of Bradley Beach.
- B.** No news rack shall be used, located or maintained which projects only, into, or over any part of the roadway of any public street, or which rests wholly or in part

upon, along or over any portion of the roadway of any public street, lane, avenue or other passageway.

- C. No news rack shall be permitted to rest upon, in or over any public sidewalk or walkway, when such installation, use or maintenance endangers the safety of persons or property, or when such location is used for other public purposes or government uses, or when such news rack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, or otherwise interferes with ingress or egress from a residence, commercial, public or other structure, or interferes with any other lawful public purpose or structure.

304-9 Penalties

For any and every violation of this chapter, the violator shall be subject to a fine as provided in chapter 1, Article II, General Penalty, of the Borough Code.

This Ordinance shall become effective upon final passage and publication according to law.

MARY ANN SOLINSKI
Borough Clerk

GARY ENGELSTAD
Mayor

Introduced: May 13, 2014

Date of Hearing and Adoption: May 27, 2014

Dates of Publication: _____
